

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY AVERAGE
WHOLESALE PRICE LITIGATION

MDL No. 1456

C.A. No. 01-12257-PBS

THIS DOCUMENT RELATES TO:

*International Union of Operating Engineers, Local No.
68 Welfare Fund v. AstraZeneca Pharmaceuticals, L.P.,
et al.; C.A. No. 04-11503-PBS*

Judge Patti B. Saris

**WITHDRAWAL OF MOTION BY PLAINTIFF, INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL NO. 68 WELFARE FUND,
FOR IMMEDIATE DISPOSITION ON PLAINTIFF'S MOTION FOR REMAND
BASED UPON DEFENDANTS' FAILURE TO FILE
SUPPLEMENTAL BRIEFING**

International Union of Operating Engineers, Local No. 68 Welfare Fund (hereinafter "Plaintiff" or "Local 68") hereby withdraws its Motion for Immediate Disposition on Plaintiff's Motion for Remand Based upon the Defendants' Failure To File Supplemental Briefing on the issue of removal and remand. Although Plaintiff was never served with same, not having been a subscriber to e-filing or service at the time the supplemental brief was filed and purportedly served, Plaintiff has been advised and confirmed that defendants filed their supplemental brief on May 6, 2005. Having now obtained a copy of same, plaintiff withdraws the Motion for Immediate Disposition, but nevertheless, maintains that the instant case should be remanded for the reasons set forth in Plaintiff's Supplemental Brief.

Date: June 29, 2005

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ATTORNEYS FOR PLAINTIFF AND THE CLASS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Withdrawal of Motion by Plaintiff, International Union of Operating Engineers, Local No. 68 Welfare Fund For Immediate Disposition On Plaintiff's Motion for Remand Based Upon Defendants' Failure to File Supplemental Briefing was served on all counsel on the attached Service List by electronic service pursuant to Case Management Order No. 2. The counsel listed below are not registrants of Verilaw and are being served First Class mail.

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